
REMARKS

This communication is a full and timely response to the non-final Office Action dated March 31, 2004. By this communication, claims 3, 4, 6-8, 10, 11, 16, 17, 19, 20, and 22-52 have been canceled without prejudice or disclaimer of the underlying subject matter. Further, claims 1 and 14 have been amended to incorporate the elements previously recited in original claims 3 and 16. Support for the subject matter added to claims 1 and 14 can be found variously throughout the specification and claims, for example, in original claims 3 and 16. No new matter has been added. Claims 1, 2, 5, 9, 12-15, 18, and 21 are pending where claims 1 and 14 are independent.

Rejections Under 35 U.S.C. §102

Claims 1-3, 5, 9, 12-16, 18, and 21 were rejected under 35 U.S.C. §102(b) as anticipated by *Oinoue et al.*, U.S. Patent No. 6,044,048. Applicant respectfully traverses this rejection.

As a preliminary matter, the instant application is a national stage application under 35 U.S.C. §371 of PCT/JP00/09327 filed on December 27, 2000. *Oinoue* has an issue date of March 28, 2000. Consequently, *Oinoue* is not a reference under §102(b) as alleged in the Office Action. Rather, at best, *Oinoue* is a reference under §102(a). Accordingly, Applicant respectfully submits that the rejection under 35 U.S.C. §102(b) is improper, and should be withdrawn. However, in an effort to expedite prosecution Applicant will respond to the Office Action as if the claims were rejected under §102(a).

Independent claim 1 recites an optical head comprising an objective lens supported for movement; a light source for radiating a light beam; light separating means for separating the light beam radiated from said light source and a reflected light beam from an optical recording medium from each other; light detecting means for receiving said reflected light beam from said optical recording medium separated by said light separating means; and spot shape correction means arranged between said objective lens and said light detecting means; said spot shape correction means correcting part or all of spots formed by said reflected light beam on said light detecting means so that the spot diameter in a direction of traversing a track on said

optical recording medium will be larger than the spot diameter in a direction along said track, wherein said spot shape correction means includes a cylindrical lens.

Independent claim 14 recites a light receiving and emitting device comprising a light source for radiating a light beam; light separating means for separating the light beam radiated from said light source and a reflected light beam from an optical recording medium from each other; light detecting means for receiving said reflected light beam from said optical recording medium separated by said light separating means; and spot shape correction means arranged between said light separating means and said light detecting means; said spot shape correction means correcting part or all of spots formed by said reflected light beam on said light detecting means so that a spot diameter in a direction of traversing a track on said optical recording medium will be larger than the spot diameter in a direction along said track, wherein said spot shape correction means includes a cylindrical lens.

Oinoue discloses an optical pickup and optical disc device that comprises a semiconductor laser element 21, a grating 22 as a light dividing means, a beam splitter 23 as light splitting means, a raising mirror 24, a collimator lens 25, an objective lens 26, a photodetector 27 and a biaxial actuator 30. See col. 4, line 65 through col. 5, line 3. *Oinoue* further discloses that the grating 22 may be replaced with a hologram element, provided that the light beam can be divided into at least three light beams. See col. 5, lines 9-17. *Oinoue* fails to disclose, teach, or suggest that said spot shape correction means includes a cylindrical lens as recited in claims 1 and 14.

The Office Action alleges that *Oinoue* teaches the cylindrical lens element at col. 6, lines 50-65 (element 101). *Oinoue* discloses, however, that element 101 is a cylindrical portion of the lower half of lens holder 33. *Oinoue* further discloses that element 101 is concentric with the supporting shaft 32. *Oinoue* fails to identify element 101 in any of the figures. However, despite this deficiency, it is evident from the disclosure that element 101 is not a lens. Moreover, this teaching of *Oinoue* does not suggest that any of the alleged spot shape correction means of *Oinoue* are cylindrical at least because the lower half of the lens holder 33 is not intended to hold a lens. This portion of the lens holder 33 functions to attach or enable the lens holder 33 to be supported by shaft 32. See Fig. 8, elements 32, 34.

Furthermore, without the cylindrical lens included in the alleged spot shape correction means, *Oinoue* does not anticipate “the spot diameter in a direction of traversing a track on said optical recording medium will be larger than the spot diameter in a direction along said track,” as recited in claims 1 and 14. Support for this position is evident in Fig. 5 of *Oinoue*, where elements 27a and 27a-1 show that although the orientation of the resulting beam spots are varied the sizes of the spots are the same. *See also* col. 9, lines 5-67. Thus, claims 1 and 14 are not anticipated by *Oinoue*.

To properly anticipate a claim, the document must disclose, explicitly or implicitly, each and every feature recited in the claim. *See Verdegall Bros. v. Union Oil Co. of Calif.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Accordingly, Applicant respectfully requests that the rejection of claims 1 and 14 under 35 U.S.C. §102 be withdrawn, and these claims be allowed.

Claims 2, 5, 9, 12, and 13 depend from claim 1, and claims 15, 18, and 21 depend from claim 14.. By virtue of this dependency, Applicant submits that claims 2, 5, 9, 12, 13, 15, 18, and 21 are allowable for at least the same reasons given above with regard to their respective base claims. In addition, Applicant submits that claims 2, 5, 9, 12, 13, 15, 18, and 21 are further distinguished over *Oinoue* by the additional elements recited therein, and particularly with respect to each claimed combination. Applicant respectfully requests, therefore, that the rejection of claims 2, 5, 9, 12, 13, 15, 18, and 21 under 35 U.S.C. §103 be withdrawn, and these claims be allowed.

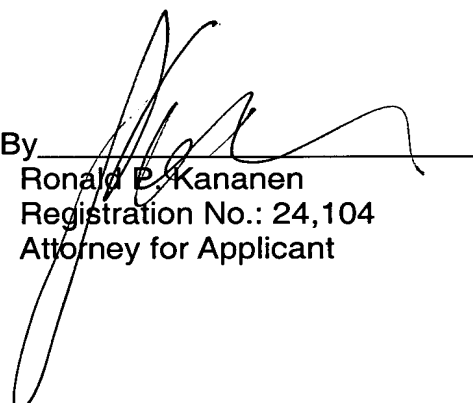
Conclusion

Based on at least the foregoing amendments and remarks, Applicants submit that claims 1, 2, 5, 9, 12-15, 18, and 21 are allowable, and this application is in condition for allowance. Accordingly, Applicants request favorable reexamination and reconsideration of the application. In the event the Examiner has any comments or suggestions for placing the application in even better form, Applicants request that the Examiner contact the undersigned attorney at the number listed below.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. from which the undersigned is authorized to draw.

Dated: June 23, 2004

Respectfully submitted,

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